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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No.

2011-775

12 **CAROLINE COOK HOWE**
13 **a.k.a. CAROLINE ELIZABETH COOK**
4364 Steele Street
14 Oakland, CA 94619-2747
Registered Nurse License No. 432065

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 31, 1988, the Board of Registered Nursing issued Registered
23 Nurse License Number 432065 to Caroline Cook Howe, also known as Caroline Elizabeth Cook
24 (Respondent). The license was in full force and effect at all times relevant to the charges brought
25 in this accusation and will expire on December 31, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code (Code) unless otherwise indicated.

2 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
3 any licensee, including a licensee holding a temporary or an inactive license, for any reason
4 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Under section 2811,
8 subdivision (b), of the Code the Board may renew an expired license at any time within eight
9 years after the expiration.

10 6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the
11 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
12 action during the period within which the license may be renewed.

13 STATUTORY PROVISIONS

14 7. Section 2761, subdivision (a), of the Code provides that the Board may take
15 disciplinary action against a certified or licensed nurse for unprofessional conduct.

16 8. Section 2762 of the Code states, in pertinent part:

17 "In addition to other acts constituting unprofessional conduct within the meaning of this
18 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
19 chapter to do any of the following:

20 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
21 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
22 administer to another, any controlled substance as defined in Division 10 (commencing with
23 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
24 defined in Section 4022.

25 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
26 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
27 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
28

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 ...

4 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
5 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
6 section."

7 COST RECOVERY

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 DRUGS

13 10. Hydromorphone, which is also known by the brand name Dilaudid, is an opioid
14 analgesic and is designated as a Schedule II controlled substance under Health and Safety Code
15 section 11055, subdivision (b)(1)(J), and a dangerous drug under Business and Professions Code
16 section 4022.

17 11. Midazolam, which is also known by the brand name Versed, is a sedative drug in the
18 benzodiazepine class, and is designated as Scheduled IV controlled substance under Health and
19 Safety Code section 11057, subdivision (d)(21), and a dangerous drug under Business and
20 Professions Code section 4022.

21 FACTS

22 12. From in or about September 2003, through in or about January 2005, Respondent
23 diverted hydromorphone from San Francisco General Hospital while employed in the hospital's
24 Intervention Radiology Department. On or around January 24, 2005, Respondent admitted to the
25 charge nurse and a doctor on duty that she had been diverting the narcotic for self-use for
26 approximately nine months. Respondent obtained the drug by placing unauthorized orders at the
27 hospital's Outpatient Pharmacy. She then entered false information, including false signatures, in
28 the hospital's Controlled Drug Administration Records.

13. Respondent obtained hydromorphone in 2 mg and 4 mg Carpuject syringe cartridges as follows:

Month	2 mg cartridges	4 mg cartridges	Total
September 2003	50 x 2 mg = 100 mg	30 x 4 mg = 120 mg	220 mg
January 2004	280 x 2 mg = 560 mg	380 x 4 mg = 1,520 mg	2,080 mg
March 2004	290 x 2 mg = 580 mg	450 x 4 mg = 1,800 mg	2,340 mg
May 2004	150 x 2 mg = 300 mg	410 x 4 mg = 1,640 mg	1,940 mg
September 2004	270 x 2 mg = 540 mg	430 x 4 mg = 1,720 mg	2,260 mg
October 2004	300 x 2 mg = 600 mg	240 x 4 mg = 960 mg	1,560 mg
November 2004	270 x 2 mg = 540 mg	420 x 4 mg = 1,680 mg	2,220 mg
December 2004	400 x 2 mg = 800 mg	530 x 4 mg = 2,120 mg	2,920 mg
January 2005	130 x 2 mg = 260 mg	140 x 4 mg = 560 mg	820 mg

14. Respondent obtained most, if not all, of the hydromorphone described above in paragraph 13 without valid authorization.

15. Respondent administered to herself most, if not all, of the hydromorphone described above in paragraph 13.

16. Respondent wrote false information in most, if not all, of her entries in the hospital's Controlled Drug Administration Records regarding administration or wastage of the hydromorphone described above in paragraph 13. The false information included numerous false signatures.

17. In 2004, Respondent also falsified signatures in Controlled Drug Administration Records for midazolam.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Unlawfully Obtaining Controlled Substance)

18. Respondent has subjected her registered nurse license to discipline action under Code sections 2761, subdivision (a), and 2762, subdivision (a), because she unlawfully obtained a controlled substance. The circumstances are described above in paragraphs 12 through 14.

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct: Use of Controlled Substance in Dangerous Manner)

3 19. Respondent has subjected her registered nurse license to discipline action under Code
4 sections 2761, subdivision (a), and 2762, subdivision (b), because she used a controlled substance
5 in a dangerous manner. The circumstances are described above in paragraphs 12 through 15.

6 THIRD CAUSE FOR DISCIPLINE

7 (False Entries in Records Regarding Controlled Substance)

8 20. Respondent has subjected her registered nurse license to discipline action under Code
9 sections 2761, subdivision (a), and 2762, subdivision (e), because she made false entries in
10 records regarding a controlled substance. The circumstances are described above in paragraphs
11 12 through 17.

12 PRAYER

13 THEREFORE, Complainant requests that a hearing be held on the matters alleged in this
14 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

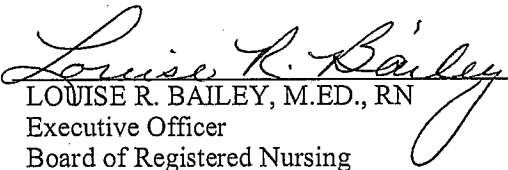
15 1. Revoking or suspending Registered Nurse License Number 432065, issued to
16 Caroline Cook Howe, also known as Caroline Elizabeth Cook;

17 2. Ordering Caroline Cook Howe, also known as Caroline Elizabeth Cook, to pay the
18 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
19 case, pursuant to Business and Professions Code section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: _____

3/15/11

22 
LOUISE R. BAILEY, M.ED., RN
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
State of California
Complainant

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27 accusation.rtf
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